Translation

PATENT COOPERATION TREATY PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference C 2079PCT	FOR FURTHER ACTIO			
nternational application No. PCT/EP00/08960	International filing date (date 14 September 2000)		Priority date (day/month/year) 23 September 1999 (23.09.99)	
nternational Patent Classification (IPC) or A61K 7/48,	national classification and IPC			
Applicant CO	GNIS DEUTSCHLAND	GMBH & CO	D. KG	
Authority and is transmitted to the 2. This REPORT consists of a total	of 5 sheets, inc	luding this cover	sheet.	
been amended and are the (see Rule 70.16 and Sect	panied by ANNEXES, i.e., she basis for this report and/or shion 607 of the Administrative fatotal of sheet	Instructions unde	ption, claims and/or drawings which have rectifications made before this Authority or the PCT).	
3. This report contains indications relating to the following items:				
I Basis of the re	port			
II Priority			e etce and industrial applicability	
Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV Lack of unity of invention			ce steb and management approximation	
			y inventive step or industrial applicability;	
V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
VI Certain documents cited VII Certain defects in the international application				
			VIII Certain observations on the international application	
Date of submission of the demand		Date of completi		
02 March 2001 (02.03.01)	2	9 October 2001 (29.10.2001)	
Name and mailing address of the IPEA/EP		Authorized office	eer	
Facsimile No.		Telephone No.		

I. Basis of the	I. Basis of the report				
	1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):				
×		application as originally filed.			
		pages1-21	_, as originally filed,		
لحا		nages	, filed with the demand,		
		pages	_, filed with the letter of	,	
		pages	_, filed with the letter of	·	
	the claims,	Nos	_ , as originally filed,		
	the claims,	Nos.	, as amended under Article 19	9,	
		Nos	_, filed with the demand,		
		Nos. 1-10	, filed with the letter of	20 August 2001 (20.08.2001) ,	
		Nos.	, filed with the letter of		
	the drawings,	sheets/fig	, as originally filed,		
		sheets/fig	_ , filed with the demand,		
		sheets/fig	, filed with the letter of	,	
		sheets/fig	, filed with the letter of		
2. The amer	dments have resul	ted in the cancellation of:			
	the description	, pages	-		
	the claims,	Nos	-		
	the drawings,	sheets/fig	_		
3. Th	is report has been go beyond the disc	established as if (some of) the a closure as filed, as indicated in t	amendments had not been made the Supplemental Box (Rule 70.	, since they have been considered .2(c)).	
4. Addition	al observations, if	necessary:			

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V.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

		
Claims	1-10	YES
Claims		NO
Claims	1-10	YES
Claims		NO
Claims	1-10	YES
Claims		NO
	Claims Claims Claims Claims	Claims 1-10 Claims 1-10 Claims 1-10

2. Citations and explanations

This report makes reference to the following document:

D1: WO-A-99/24535 (HENKEL ET AL.) 20 May 1999 (1999-05-20).

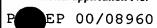
Observations with regard to the industrial applicability of Claims 1 to 10

The PCT Contracting States do not have uniform criteria for assessing the industrial applicability of the subject matter of the present Claims 1 to 10. Patentability may depend on the wording of the claims. The EPO, for example, does not recognize the industrial applicability of claims to the medical use of a compound; it does, however, allow claims to the first medical use of a known compound or to the use of such a compound in the manufacture of a drug for a new medical application.

1. Novelty - PCT Article 33(1) and (2)

Claims 1 to 10 of the present application meet the criteria of novelty.

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2. Inventive step - PCT Article 33(1) and (3)

- 2.1 The problem addressed by the present invention consists in providing preparations on the basis of alk(en)yl oligoglycosides which are characterized by good tolerability by the skin and the mucous membrane of the eye.
- 2.2 The solution consists in the fact that these preparations contain monoesters of dicarbonic acid with fatty alcohols whose alkyl group or alkenyl group <u>corresponds</u> to the alkyl oligoglycosides or alkenyl oligoglycosides.
- 2.3 D1 describes dishwashing liquid in which C12-C16-alkyl polyglucoside (DP = 1,4), hexadecyl Bernstein acid behenyl monoesters and tensides are used. The composition is skin-friendly (D1, pages 14-15).
- 2.4 D1 does not suggest that precisely the combination of the same alk(en)yl chains is well tolerated by the skin and in particular also by the mucous membrane of the eye.

Thus subject matter according to Claims 1 and 10 of the present application is not obvious from the prior art. The solution therefore involves an inventive step.

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VII. Certain defects in the international application The following defects in the form or contents of the international application have been noted: Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or indicate the relevant prior art disclosed therein.

VIII. Certain observations on the international applicat	N/111	Certain observations on	the international	applicatio
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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The term "oligoglycosides" used in Claims 1 and 10 is vague and unclear. Consequently, the definition of the subject matter of these claims is not clear (PCT Article 6).